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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3455

02/17/2020 Authored by Youakim
The bill was read for the first time and referred to the Committee on Education Policy
03/09/2020 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to education; modifying provisions related to requirements for teachers,
1.3 background checks, early childhood programs, and services for people with
1.4 disabilities; reorganizing provisions pertaining to state assessments in sections
1.5 120B.30 to 120B.307; amending Minnesota Statutes 2018, sections 120A.22,
1.6 subdivision 10; 124D.165, subdivision 4; 124D.862, subdivision 7; 134.31,
1.7 subdivision 4a; 609A.03, subdivision 7a.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2018, section 120A.22, subdivision 10, is amended to read:

1.10 Subd. 10. Requirements for instructors. A person who is providing instruction to a
1.11 child must meet at least one of the following requirements:

1.12 (1) hold a valid Minnesota teaching license in the field and for the grade level taught;

1.13 (2) be directly supervised by a person holding a valid Minnesota teaching license;

1.14 ~~(3) successfully complete a teacher competency examination;~~

1.15 ~~(4)~~ (3) provide instruction in a school that is accredited by an accrediting agency,
1.16 recognized according to section 123B.445, or recognized by the commissioner;

1.17 ~~(5)~~ (4) hold a baccalaureate degree; or

1.18 ~~(6)~~ (5) be the parent of a child who is assessed according to the procedures in subdivision

1.19 11.

1.20 Any person providing instruction in a public school must meet the requirements of clause

1.21 (1).

2.1 Sec. 2. Minnesota Statutes 2018, section 124D.165, subdivision 4, is amended to read:

2.2 Subd. 4. **Early childhood program eligibility.** (a) In order to be eligible to accept an
2.3 early learning scholarship, a program must:

2.4 (1) participate in the quality rating and improvement system under section 124D.142;
2.5 and

2.6 (2) beginning July 1, 2020, have a three- or four-star rating in the quality rating and
2.7 improvement system.

2.8 (b) Any program accepting scholarships must use the revenue to supplement and not
2.9 supplant federal funding.

2.10 ~~(c) Notwithstanding paragraph (a), all Minnesota early learning foundation scholarship
2.11 program pilot sites are eligible to accept an early learning scholarship under this section.~~

2.12 Sec. 3. Minnesota Statutes 2018, section 124D.862, subdivision 7, is amended to read:

2.13 Subd. 7. **Revenue reserved.** Integration revenue received under this section must be
2.14 reserved and used only for the programs authorized in section 124D.861, subdivision 2.

2.15 Sec. 4. Minnesota Statutes 2018, section 134.31, subdivision 4a, is amended to read:

2.16 Subd. 4a. **Services to people with visual and physical disabilities.** The Minnesota
2.17 Department of Education shall provide specialized services to people with visual and physical
2.18 disabilities through the Minnesota Braille and Talking Book Library under a cooperative
2.19 plan with the National Library ~~Services~~ Service for the Blind and ~~Physically Handicapped~~
2.20 Print Disabled of the Library of Congress.

2.21 Sec. 5. Minnesota Statutes 2018, section 609A.03, subdivision 7a, is amended to read:

2.22 Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance
2.23 of an expungement order related to a charge supported by probable cause, the DNA samples
2.24 and DNA records held by the Bureau of Criminal Apprehension and collected under authority
2.25 other than section 299C.105 shall not be sealed, returned to the subject of the record, or
2.26 destroyed.

2.27 (b) Notwithstanding the issuance of an expungement order:

2.28 (1) except as provided in clause (2), an expunged record may be opened, used, or
2.29 exchanged between criminal justice agencies without a court order for the purposes of

3.1 initiating, furthering, or completing a criminal investigation or prosecution or for sentencing
3.2 purposes or providing probation or other correctional services;

3.3 (2) when a criminal justice agency seeks access to a record that was sealed under section
3.4 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing
3.5 for lack of probable cause, for purposes of a criminal investigation, prosecution, or
3.6 sentencing, the requesting agency must obtain an ex parte court order after stating a
3.7 good-faith basis to believe that opening the record may lead to relevant information;

3.8 (3) an expunged record of a conviction may be opened for purposes of evaluating a
3.9 prospective employee in a criminal justice agency without a court order;

3.10 (4) an expunged record of a conviction may be opened for purposes of a background
3.11 study under section 245C.08 unless the commissioner had been properly served with notice
3.12 of the petition for expungement and the court order for expungement is directed specifically
3.13 to the commissioner of human services;

3.14 (5) an expunged record of a conviction may be opened for purposes of a background
3.15 check required under section 122A.18, subdivision 8, unless the court order for expungement
3.16 is directed specifically to the Professional Educator Licensing and Standards Board ~~or the~~
3.17 ~~licensing division of the Department of Education~~; and

3.18 (6) the court may order an expunged record opened upon request by the victim of the
3.19 underlying offense if the court determines that the record is substantially related to a matter
3.20 for which the victim is before the court.

3.21 (c) An agency or jurisdiction subject to an expungement order shall maintain the record
3.22 in a manner that provides access to the record by a criminal justice agency under paragraph
3.23 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau
3.24 of Criminal Apprehension shall notify the commissioner of human services, or the
3.25 Professional Educator Licensing and Standards Board, ~~or the licensing division of the~~
3.26 ~~Department of Education~~ of the existence of a sealed record and of the right to obtain access
3.27 under paragraph (b), clause (4) or (5). Upon request, the agency or jurisdiction subject to
3.28 the expungement order shall provide access to the record to the commissioner of human
3.29 services, or the Professional Educator Licensing and Standards Board, ~~or the licensing~~
3.30 ~~division of the Department of Education~~ under paragraph (b), clause (4) or (5).

3.31 (d) An expunged record that is opened or exchanged under this subdivision remains
3.32 subject to the expungement order in the hands of the person receiving the record.

4.1 (e) A criminal justice agency that receives an expunged record under paragraph (b),
 4.2 clause (1) or (2), must maintain and store the record in a manner that restricts the use of the
 4.3 record to the investigation, prosecution, or sentencing for which it was obtained.

4.4 (f) For purposes of this section, a "criminal justice agency" means a court or government
 4.5 agency that performs the administration of criminal justice under statutory authority.

4.6 (g) This subdivision applies to expungement orders subject to its limitations and effective
 4.7 on or after January 1, 2015.

4.8 **Sec. 6. REVISOR INSTRUCTION.**

4.9 The revisor of statutes shall renumber each section of Minnesota Statutes listed in column
 4.10 A with the number listed in column B. The revisor shall also make necessary cross-reference
 4.11 changes consistent with the renumbering.

<u>Column A</u>	<u>Column B</u>
<u>General Requirements Statewide</u>	
<u>120B.30, subdivision 1a, paragraph (h)</u>	<u>120B.30, subdivision 1</u>
<u>120B.30, subdivision 1, paragraph (q)</u>	<u>120B.30, subdivision 2</u>
<u>120B.30, subdivision 1a, paragraph (g)</u>	<u>120B.30, subdivision 3</u>
<u>120B.30, subdivision 1b</u>	<u>120B.30, subdivision 4</u>
<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.30, subdivision 5, paragraph (a)</u>
<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.30, subdivision 5, paragraph (b)</u>
<u>120B.30, subdivision 1a, paragraph (e)</u>	<u>120B.30, subdivision 6, paragraph (a)</u>
<u>120B.30, subdivision 2, paragraph (a)</u>	<u>120B.30, subdivision 6, paragraph (b)</u>
<u>120B.30, subdivision 2, paragraph (b),</u> <u>clauses (1) and (2)</u>	<u>120B.30, subdivision 6, paragraph (c)</u>
<u>120B.30, subdivision 2</u>	<u>120B.30, subdivision 6, paragraph (d)</u>
<u>120B.30, subdivision 4</u>	<u>120B.30, subdivision 7</u>
<u>120B.30, subdivision 5</u>	<u>120B.30, subdivision 8</u>
<u>120B.30, subdivision 6</u>	<u>120B.30, subdivision 9</u>
<u>120B.30, subdivision 1, paragraph (e)</u>	<u>120B.30, subdivision 10</u>
<u>General Requirements Test Design</u>	
<u>120B.30, subdivision 1a, paragraph (a),</u> <u>clauses (1) to (5)</u>	<u>120B.301, subdivision 1</u>
<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.301, subdivision 2</u>
<u>120B.30, subdivision 1, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (a)</u>
<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.301, subdivision 3, paragraph (b)</u>
<u>120B.30, subdivision 1a, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (c)</u>

5.1 120B.30, subdivision 1a, paragraph (c), 120B.301, subdivision 3, paragraph (d)
 5.2 clauses (1) and (2)

5.3 Assessment Graduation Requirements

5.4 120B.30, subdivision 1, paragraph (c), 120B.304, subdivision 1
 5.5 clauses (1) and (2)

5.6 120B.30, subdivision 1, paragraph (d) 120B.304, subdivision 2

5.7 120B.30, subdivision 1, paragraph (i) 120B.304, subdivision 3

5.8 Assessment Reporting Requirements

5.9 120B.30, subdivision 1a, paragraph (f), 120B.305, subdivision 1
 5.10 clauses (1) to (3)

5.11 120B.30, subdivision 1a, paragraph (d), 120B.305, subdivision 2, paragraph (a)
 5.12 clauses (1) to (4)

5.13 120B.30, subdivision 1, paragraph (m) 120B.305, subdivision 2, paragraph (b)

5.14 120B.30, subdivision 1, paragraph (n) 120B.305, subdivision 2, paragraph (c)

5.15 120B.30, subdivision 1, paragraph (o), 120B.305, subdivision 3, paragraph (a)
 5.16 clauses (1) to (4)

5.17 120B.30, subdivision 3 120B.305, subdivision 3, paragraph (b)

5.18 District Assessment Requirements

5.19 120B.301, paragraphs (a) to (c) 120B.306, subdivision 1

5.20 120B.304, paragraphs (a) and (b) 120B.306, subdivision 2

5.21 College and Career Readiness

5.22 120B.30, subdivision 1, paragraph (p) 120B.307, subdivision 1

5.23 120B.30, subdivision 1, paragraph (d) 120B.307, subdivision 2

5.24 120B.30, subdivision 1, paragraph (f) 120B.307, subdivision 3

5.25 120B.30, subdivision 1, paragraph (g) 120B.307, subdivision 4, paragraph (a)

5.26 120B.30, subdivision 1, paragraph (h) 120B.307, subdivision 4, paragraph (b)

5.27 120B.30, subdivision 1, paragraph (j) 120B.307, subdivision 4, paragraph (c)

5.28 120B.30, subdivision 1, paragraph (k) 120B.307, subdivision 4, paragraph (d)

5.29 120B.30, subdivision 1, paragraph (l) 120B.307, subdivision 4, paragraph (e)